



Sen. Jacqueline Y. Collins

Filed: 3/3/2008

09500SB2825sam001

LRB095 20011 RLC 46713 a

1 AMENDMENT TO SENATE BILL 2825

2 AMENDMENT NO. _____. Amend Senate Bill 2825 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Sale of Tobacco to Minors Act is amended by
5 changing Section 1 as follows:

6 (720 ILCS 675/1) (from Ch. 23, par. 2357)

7 Sec. 1. Prohibition on sale of tobacco to minors; use of
8 identification cards; vending machines; lunch wagons;
9 out-of-package sales.

10 (a) No minor under 18 years of age shall buy any cigar,
11 cigarette, smokeless tobacco or tobacco in any of its forms. No
12 person shall sell, buy for, distribute samples of or furnish
13 any cigar, cigarette, smokeless tobacco or tobacco in any of
14 its forms, to any minor under 18 years of age.

15 (a-5) No minor under 16 years of age may sell any cigar,
16 cigarette, smokeless tobacco, or tobacco in any of its forms at

1 a retail establishment selling tobacco products. This
2 subsection does not apply to a sales clerk in a family-owned
3 business which can prove that the sales clerk is in fact a son
4 or daughter of the owner.

5 (a-6) No minor under 18 years of age in the furtherance or
6 facilitation of obtaining any cigar, cigarette, smokeless
7 tobacco, or tobacco in any of its forms shall display or use a
8 false or forged identification card or transfer, alter, or
9 deface an identification card.

10 For the purpose of this Section, "smokeless tobacco" means
11 any tobacco products that are suitable for dipping or chewing.

12 (b) Tobacco products listed above may be sold through a
13 vending machine only if such tobacco products are not placed
14 together with any non-tobacco product, other than matches, in
15 the vending machine and the vending machine is in any of the
16 following locations:

17 ~~(1) Factories, businesses, offices, private clubs, and~~
18 ~~other places not open to the general public.~~

19 (1) ~~(2)~~ Places to which minors under 18 years of age
20 are not permitted access.

21 ~~(3) Places where alcoholic beverages are sold and~~
22 ~~consumed on the premises.~~

23 ~~(4) Places where the vending machine is under the~~
24 ~~direct supervision of the owner of the establishment or an~~
25 ~~employee over 18 years of age. The sale of tobacco products~~
26 ~~from a vending machine under direct supervision of the~~

1 ~~owner or an employee of the establishment is considered a~~
2 ~~sale of tobacco products by that person. As used in this~~
3 ~~subdivision, "direct supervision" means that the owner or~~
4 ~~employee has an unimpeded line of sight to the vending~~
5 ~~machine.~~

6 (2) ~~(5)~~ Places where the vending machine can only be
7 operated by the owner or an employee over age 18 either
8 directly or through a remote control device if the device
9 is inaccessible to all customers.

10 (c) The sale or distribution at no charge of cigarettes
11 from a lunch wagon engaging in any sales activity within 1,000
12 feet of any public or private elementary or secondary school
13 grounds is prohibited.

14 For the purpose of this Section, "lunch wagon" means a
15 mobile vehicle designed and constructed to transport food and
16 from which food is sold to the general public.

17 (d) The sale or distribution by any person of a tobacco
18 product listed above, including but not limited to a single or
19 loose cigarette, that is not contained within a sealed
20 container, pack, or package as provided by the manufacturer,
21 which container, pack, or package bears the health warning
22 required by federal law, is prohibited.

23 (Source: P.A. 93-284, eff. 1-1-04; 93-886, eff. 1-1-05.)

24 Section 10. The Tobacco Accessories and Smoking Herbs
25 Control Act is amended by changing Sections 2, 3, and 4 as

1 follows:

2 (720 ILCS 685/2) (from Ch. 23, par. 2358-2)

3 Sec. 2. Purpose.

4 (a) The sale and possession of marijuana, hashish, cocaine,
5 opium and their derivatives, is not only prohibited by Illinois
6 Law, but the use of these substances has been deemed injurious
7 to the health of the user.

8 It has further been determined by the Surgeon General of
9 the United States that the use of tobacco is hazardous to human
10 health.

11 The ready availability of smoking herbs to minors could
12 lead to the use of tobacco and illegal drugs.

13 It is in the best interests of the citizens of the State of
14 Illinois to seek to prohibit the spread of illegal drugs,
15 tobacco or smoking materials to minors. The prohibition of the
16 sale of tobacco and snuff accessories and smoking herbs to
17 minors would help to curb the usage of illegal drugs and
18 tobacco products, among our youth.

19 (b) The General Assembly finds and declares that there has
20 been a proliferation of flavored cigarettes in recent years.
21 Many of these products have flavors that are particularly
22 attractive to minors. These cigarettes have included flavors
23 such as various fruits, candy, chocolate, vanilla, honey, sugar
24 or sugar substitute, nut, mint, cocoa, desserts, soft drinks,
25 alcoholic beverages, herb and spice flavorings or other

1 flavorings that are attractive to minors. According to survey
2 evidence and public health experts, minors are more likely to
3 choose flavored cigarettes and thus the existence of these
4 products increases the incidence of cigarette use among minors.
5 Moreover, the earlier that an individual begins using tobacco,
6 the more likely he or she will become addicted to tobacco
7 products and will continue to use tobacco products throughout
8 his or her lifetime. Accordingly, flavored cigarettes result in
9 increased tobacco use, increased addiction, a greater
10 incidence of smoking-related illnesses, increased health care
11 costs, and more smoking-related deaths. The General Assembly
12 therefore finds and declares that the existence of flavored
13 cigarettes presents a significant threat to public health and
14 to minors, and that the sale of flavored cigarettes must be
15 restricted.

16 (Source: P.A. 82-487.)

17 (720 ILCS 685/3) (from Ch. 23, par. 2358-3)

18 Sec. 3. Definitions. The following definitions shall apply
19 to this Act:

20 (a) "Tobacco accessories" shall mean cigarette papers,
21 pipes, holders of smoking materials of all types, cigarette
22 rolling machines, and other items, designed primarily for the
23 smoking or ingestion of tobacco products or of substances made
24 illegal under any statute or of substances whose sale, gift,
25 barter, or exchange is made unlawful under this Act.

1 (b) "Smoking herbs" shall mean all substances of plant
2 origin and their derivatives, including but not limited to
3 broom, calea, California poppy, damiana, hops, ginseng,
4 lobelia, jimson weed and other members of the Datura genus,
5 passion flower and wild lettuce, which are processed or sold
6 primarily for use as smoking materials.

7 (c) "Bidi cigarette" means a product that contains tobacco
8 that is wrapped in temburni or tendu leaf or that is wrapped in
9 any other material identified by rules of the Department of
10 Public Health that is similar in appearance or characteristics
11 to the temburni or tendu leaf.

12 (d) "Flavored cigarette" means any cigarette product, or
13 any component part thereof (including but not limited to the
14 tobacco, paper, or filter, and any components for roll-your-own
15 cigarettes), which contains a natural or artificial
16 constituent or additive that causes such cigarette or its smoke
17 to have a characterizing flavor other than tobacco or menthol.

18 (e) "Characterizing flavor" includes but is not limited to
19 any fruit, candy, chocolate, vanilla, honey, sugar or sugar
20 substitute, nut, mint, cocoa, dessert, soft drink, alcoholic
21 beverage, herb or spice flavoring, but does not include tobacco
22 or menthol. In no event shall a cigarette or any component part
23 thereof (including but not limited to the tobacco, paper, roll
24 or filter) be construed to have a characterizing flavor based
25 solely on the use of additives or flavorings, or the provision
26 of an ingredient list made available by any means.

1 (Source: P.A. 91-734, eff. 1-1-01.)

2 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

3 Sec. 4. Offenses.

4 (a) Sale to minors. No person shall knowingly sell, barter,
5 exchange, deliver or give away or cause or permit or procure to
6 be sold, bartered, exchanged, delivered, or given away tobacco
7 accessories or smoking herbs to any person under 18 years of
8 age.

9 (a-5) Sale of bidi cigarettes. No person shall knowingly
10 sell, barter, exchange, deliver, or give away a bidi cigarette
11 to another person, nor shall a person cause or permit or
12 procure a bidi cigarette to be sold, bartered, exchanged,
13 delivered, or given away to another person.

14 (a-6) No person shall knowingly sell, distribute, or offer
15 for sale or distribution in this State or to any person in this
16 State a flavored cigarette.

17 (b) Sale of cigarette paper. No person shall knowingly
18 offer, sell, barter, exchange, deliver or give away cigarette
19 paper or cause, permit, or procure cigarette paper to be sold,
20 offered, bartered, exchanged, delivered, or given away except
21 from premises or an establishment where other tobacco products
22 are sold. For purposes of this Section, "tobacco products"
23 means cigarettes, cigars, smokeless tobacco, or tobacco in any
24 of its forms.

25 (c) Sale of cigarette paper from vending machines. No

1 person shall knowingly offer, sell, barter, exchange, deliver
2 or give away cigarette paper or cause, permit, or procure
3 cigarette paper to be sold, offered, bartered, exchanged,
4 delivered, or given away by use of a vending or coin-operated
5 machine or device. For purposes of this Section, "cigarette
6 paper" shall not include any paper that is incorporated into a
7 product to which a tax stamp must be affixed under the
8 Cigarette Tax Act or the Cigarette Use Tax Act.

9 (d) Use of identification cards. No person in the
10 furtherance or facilitation of obtaining smoking accessories
11 and smoking herbs shall display or use a false or forged
12 identification card or transfer, alter, or deface an
13 identification card.

14 (e) Warning to minors. Any person, firm, partnership,
15 company or corporation operating a place of business where
16 tobacco accessories and smoking herbs are sold or offered for
17 sale shall post in a conspicuous place upon the premises a sign
18 upon which there shall be imprinted the following statement,
19 "SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER
20 EIGHTEEN YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO
21 PROCURE SUCH A SALE IS PROHIBITED BY LAW". The sign shall be
22 printed on a white card in red letters at least one-half inch
23 in height.

24 (Source: P.A. 91-734, eff. 1-1-01.)".